

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:08CR87-P-S

JOHN FRANKLIN STAPLETON

ORDER

This cause is before the Court on defendant Stapleton's Motion for Continuance [20]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for December 1, 2008. Stapleton's counsel seeks a continuance in order to complete additional investigation, review voluminous discovery and facilitate the filing and hearing of pretrial motions. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from December 1, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [20] is GRANTED;
2. That the trial of this matter is continued until Monday, February 23, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from December 1, 2008 until February 23, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is February 2, 2009;
5. That the deadline for submitting a plea agreement is February 9, 2008.

SO ORDERED, this the 24th day of November, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE